

103D CONGRESS
1ST SESSION

S. 1670

To improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993

Mr. HARKIN (for himself, Mr. DANFORTH, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hazard Mitigation and
5 Relocation Assistance Act of 1993”.

6 **SEC. 2. HAZARD MITIGATION.**

7 (a) FEDERAL SHARE AND TOTAL CONTRIBUTIONS.—
8 Section 404 of The Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5170c) is amend-
10 ed—

1 (1) in the first sentence, by striking “50 per-
2 cent” and inserting “75 percent”; and

3 (2) in the last sentence, by striking “10 per-
4 cent” and all that follows through the end of the
5 sentence and inserting “15 percent of the estimated
6 aggregate amount of grants to be made (less any as-
7 sociated administrative costs) under this Act with
8 respect to the major disaster.”.

9 (b) APPLICABILITY.—The amendments made by this
10 section shall apply to any major disaster declared by the
11 President pursuant to The Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
13 seq.) on or after June 10, 1993.

14 **SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSIST-**
15 **ANCE.**

16 Section 404 of The Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5170c) is
18 amended—

19 (1) by inserting “(a) IN GENERAL.—” before
20 “The President”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) PROPERTY ACQUISITION AND RELOCATION AS-
24 SISTANCE.—

1 “(1) GENERAL AUTHORITY.—In providing haz-
2 ard mitigation assistance under this section in con-
3 nection with flooding, the Director of the Federal
4 Emergency Management Agency may provide prop-
5 erty acquisition and relocation assistance for
6 projects that meet the requirements of paragraph
7 (2).

8 “(2) TERMS AND CONDITIONS.—An acquisition
9 or relocation project shall be eligible to receive as-
10 sistance pursuant to paragraph (1) only if—

11 “(A) the applicant for the assistance is
12 otherwise eligible to receive assistance under the
13 hazard mitigation grant program established
14 under subsection (a); and

15 “(B) on or after the date of enactment of
16 this subsection, the applicant for the assistance
17 enters into an agreement with the Director that
18 provides assurances that—

19 “(i) any property acquired, accepted,
20 or from which a structure will be removed
21 pursuant to the project will be dedicated
22 and maintained in perpetuity for a use
23 that is compatible with open space, rec-
24 reational, or wetlands management prac-
25 tices;

1 “(ii) no new structure will be erected
2 on property acquired, accepted or from
3 which a structure was removed under the
4 acquisition or relocation program other
5 than—

6 “(I) a public facility that is open
7 on all sides and functionally related to
8 a designated open space;

9 “(II) a rest room; or

10 “(III) a structure that the Direc-
11 tor approves in writing before the
12 commencement of the construction of
13 the structure; and

14 “(iii) after receipt of the assistance,
15 with respect to any property acquired, ac-
16 cepted or from which a structure was re-
17 moved under the acquisition or relocation
18 program—

19 “(I) no subsequent application
20 for additional disaster assistance for
21 any purpose will be made by the recip-
22 ient to any Federal entity; and

23 “(II) no assistance referred to in
24 subclause (I) will be provided to the
25 applicant by any Federal source.

1 “(3) STATUTORY CONSTRUCTION.—Nothing in
2 this subsection is intended to alter or otherwise af-
3 fect an agreement for an acquisition or relocation
4 project carried out pursuant to this section that was
5 in effect on the day before the date of enactment of
6 this subsection.”.

7 **SEC. 4. TREATMENT OF REAL PROPERTY BUYOUT PRO-**
8 **GRAMS.**

9 (a) INAPPLICABILITY OF URA.—The purchase of any
10 real property under a qualified buyout program shall not
11 constitute the making of Federal financial assistance
12 available to pay all or part of the cost of a program or
13 project resulting in the acquisition of real property or in
14 any owner of real property being a displaced person (with-
15 in the meaning of the Uniform Relocation Assistance and
16 Real Property Acquisition Policies Act of 1970).

17 (b) DEFINITION OF “QUALIFIED BUYOUT PRO-
18 GRAM”.—For purposes of this section, the term “qualified
19 buyout program” means any program that—

20 (1) provides for the purchase of only property
21 damaged by the major, widespread flooding in the
22 Midwest during 1993;

23 (2) provides for such purchase solely as a result
24 of such flooding;

1 (3) provides for such acquisition without the
2 use of the power of eminent domain and notification
3 to the seller that acquisition is without the use of
4 such power;

5 (4) is carried out by or through a State or a
6 unit of general local government; and

7 (5) is being assisted with amounts made avail-
8 able for—

9 (A) disaster relief by the Federal Emer-
10 gency Management Agency; or

11 (B) other Federal financial assistance pro-
12 grams.

○